

United States Bankruptcy Court Southern District of Georgia

Appropriate Use of Negative Notice (Effective January 10, 2005)

This table reflects the appropriate use of negative notice by practitioners in the Southern District of Georgia.

Motion for Co-debtor Relief
Objection to Claim
Motion to Avoid Lien
Motion to Redeem Property (Chapters 7 and 13)
Modification of Plan After Confirmation (Chapter 13)
Motion to Approve Compromise or Settlement (Chapter 7)

Negative Notice - Practice and Procedures

Motion for Relief from Co-Debtor Stay:

When a Motion for Relief from Co-debtor Stay is filed, it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service.

The clerk's office will docket and image the Motion and the Notice and Opportunity for Hearing and check the certificate of service to determine if the parties were properly served. If the parties were not properly served, the clerk's office will issue a Deficiency Notice requesting an amended certificate of service and allowing ten (10) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 20 days from the filing of the motion. If no timely objection is filed the order will be entered granting the relief requested. If a timely objection is filed, the motion and objection will be set for hearing on the first available miscellaneous motion hearing day. The notice of hearing will be returned to the movant to serve.

Objection to Claim:

When an Objection to Claim is filed, it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service.

The clerk's office will docket and image the Motion and the Notice and Opportunity for Hearing and check the certificate of service to determine if the parties were properly served. If the parties were not properly served, the clerk's office will issue a Deficiency Notice requesting an Amended Certificate of Service and allowing ten (10) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 30 days from the date stated in the certificate of service or amended service. If no timely objection is filed the order will be entered granting the relief requested. If a timely objection is filed, the motion and objection will be set for hearing on the first available miscellaneous motion hearing day. The notice of hearing will be returned to the movant to serve.

Motion to Redeem Property:

When a Motion to Redeem Property is filed it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service. If parties were not properly served, the clerk's office will issue a Deficiency Notice, requesting an Amended Certificate of Service and allowing ten (10) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 20 days from the date of service or amended service. If no timely objection is filed the order will be entered granting the relief requested. If a timely objection is filed, the motion and objection will be set for hearing on the first available miscellaneous motion hearing day. Notice of hearing will be returned to the movant to serve.

Motion to Avoid Lien:

When a Motion to Avoid Lien is filed, it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service.

The clerk's office will docket and image the Motion and the Notice and Opportunity for Hearing and check the certificate of service to determine if the parties were properly served. If the parties were not properly served, the clerk's office will issue a Deficiency Notice requesting an amended certificate of service and allowing ten (10) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 30 days from the date stated in the certificate of service or amended service. If no timely objection is filed the order will be entered granting the relief requested. If a timely objection is filed the motion and objection will be set for hearing on the first available miscellaneous motion hearing day. The notice of hearing will be returned to the movant to serve.

Modification of Plan After Confirmation:

When a Modified Plan After Confirmation is filed, it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service. The clerk's office will docket and image the Modification and the Notice and Opportunity for Hearing and check the certificate of service to determine if the parties were properly served. If the parties were not properly served, the clerk's office will issue a Deficiency Notice requesting an Amended Certificate of Service and allowing ten (10) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 20 days from the date of service or amended service. If no timely objection is filed the order will be entered approving the modification. If a timely objection is filed, the modification and objection will be set for hearing on the first available confirmation hearing day. The notice of hearing will be returned to the movant to serve.

The modified plan and the notice and opportunity for hearing must be served to all creditors on the matrix. Until the court is live on the CM/ECF system, attorneys do not have access to the court's mailing matrix. Therefore, the debtor's attorney will be

required to contact the clerk's office to request an updated matrix. Upon request the clerk's office will fax a current matrix to the debtor's attorney. *(Note: When the court is live on CM/ECF the matrix will be available to external users electronically.)*

Motion to Approve Compromise or Settlement:

When a Motion to Approve Compromise or Settlement is filed, it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service. The clerk's office will docket and image the Motion and the Notice and Opportunity for Hearing and check the certificate of service to determine if the parties were properly served. If the parties were not properly served, the clerk's office will issue a Deficiency Notice requesting an Amended Certificate of Service and allowing ten (10) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 20 days from the date of service or amended service. If no timely objection is filed the order will be entered granting the relief requested. If a timely objection is filed, the motion and objection will be set for hearing on the first available miscellaneous motion hearing day. The notice of hearing will be returned to the movant to serve.

The Motion to Approve Compromise or Settlement and the Notice and Opportunity for hearing must be served on the matrix. At the present time attorneys do not have access to court's mailing matrix. Therefore, the movant will be required to contact the clerk's office to request an updated matrix. Upon request the clerk's office will fax a current matrix to the movant. *(Note: When the court is live on CM/ECF the matrix will be available to external users electronically.)*